IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.514 OF 2005

Amir Allauddin Saboowala ...Appellant

vs.

Municipal Corporation of
Greater Mumbai & Anr. ...Respondents

Mr.M.C.Moholkar for the Appellant.
Ms Geeta Jogalekar for the Respondent No.1-Corporation.

CORAM: A.S.OKA,J.
DATE : MAY 5,2005.

P.C.:

. Not on board.

1. The Advocate for the Appellant on instructions of the Appellant who is stated to be present in the Court states that the Appellant desires to apply for regularization of the offending structure subject matter of notice dated 9th February 2005 issued by the Respondent No.1-Corporation. The learned Advocate for the Appellant on instruction of the Appellant further states that the Appellant will withdraw L.C.Suit No.1657 of 2005 unconditionally. He states that the application for regularization will be made within four weeks from today and till the disposal of the application the suit structure may be protected.

2. I have heard the learned Counsel appearing for Respondent No.1.

3. I pass the following order :

i) L.C.Suit No.1657 of 2005 is dismissed as withdrawn.

ii) If application for regularization is made by the Appellant in accordance with rules to the competent authority of Respondent No.1-Corporation within a period of four weeks from today, the same shall be considered and decided by the concerned authority of Respondent No.1-Corporation within 10 weeks from the date of receipt of the application.

iii) The order on the application will be communicated to the Appellant within a period of one week from the date of decision. If application for regularization is made within stipulated period of four weeks from today, the Respondent No.1-Corporation will not take any coercive steps in respect of the offending structure for a period of 18 weeks from today. If the application is not made within stipulated period, the Respondent No.1-Corporation will be free to take action of demolition.

iv) Appeal is disposed of in above terms. No order as to costs.

. Parties to act upon an authenticated copy of this order.

JUDGE.